

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SAMMY LEE PENDLETON,

Plaintiff,

vs.

Civil Action 2:09-CV-29

Judge Graham

Magistrate Judge King

UNITED STATES PENITENTIARY
OF LEAVENWORTH, et al.,

Defendants.

ORDER

On January 26, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the defendant penitentiary be dismissed from the action for lack of subject matter jurisdiction and that the action be transferred to the United States District Court for the District of Kansas, at Leavenworth. Plaintiff was specifically advised of his right to object to the *Report and Recommendation* and of the consequences of his failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The defendant penitentiary is hereby **DISMISSED** from this action. This action is hereby **TRANSFERRED** to the United States District Court for the District of Kansas, at Leavenworth.

S/ James L. Graham

James L. Graham

United States District Judge

Date: February 18, 2009